

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Kevin L. Landis and Krystal M. Landis,)	Civil Action No.: 4:05-2813-RBH-TER
)	
Plaintiffs,)	
)	REPORT AND RECOMMENDATION
vs.)	
)	
Eugene M. Giddens, M.D., Grand Strand Regional Med. Ctr., Surgical Dynamics, Inc., and Orthovita, Inc.)	
Defendants.)	
)	

On March 3, 2007, Plaintiffs Kevin L. Landis and Krystal M. Landis, appearing pro se¹, filed a Motion to Dismiss. Document # 44. Plaintiffs seek to voluntarily dismiss the action with prejudice. Defendant Grand Strand Regional Medical Center, the only remaining Defendant in this action², consents to Plaintiffs' motion. See Document # 47. Therefore, it is recommended that this action be dismissed with prejudice and each party bear its respective costs and expenses associated with this action.

s/Thomas E. Rogers, III
The Honorable Thomas E. Rogers, III
United States Magistrate Judge

April 9, 2007
Florence, South Carolina

¹Because Plaintiffs are proceeding pro se, this case was automatically referred to the undersigned United States magistrate judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(e), DSC. Because this is a dispositive motion, this report and recommendation is entered for review by the district judge.

²Defendant Eugene M. Giddens, M.D. was dismissed on June 1, 2006. See Document # 34. Defendant Surgical Dynamics was dismissed on February 2, 2006. See Document # 24. Defendant Orthovita, Inc. was dismissed June 16, 2006. See Document # 35.